REMARKS

In the Office Action dated August 16, 2004, claims 1, 2, 4, 5, 11-16, 19, and 21 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,438,750 (Anderson); claims 22 and 26 were rejected under § 102(b) over U.S. Patent No. 5,781,894 (Petrecca); claim 3 was rejected under § 103 over Anderson in view of U.S. Patent No. 6,067,570 (Kreynin); claims 7, 9, 10, 17, 18, and 20 were rejected under § 103 over Anderson in view of Petrecca; claim 23 was rejected under § 103 over Petrecca in view of Anderson; claim 8 was rejected under § 103 over Anderson in view of U.S. Patent No. 5,502,815 (Cozza); claim 25 was rejected under § 103 over Petrecca in view of Cozza; claim 6 was rejected under § 103 over Anderson in view of the publication of Paul J.M. Havinga et al., "Design techniques for low power systems," Journal of System Architecture: The Euromicro Journal, Vol. 46, Issue 1 (January 2000) (Havinga); and claim 24 was rejected under § 103 over Petrecca in view of Havinga.

Claim 1 has been amended to recite displaying the selected commercial message on the display device during a user waiting time, where the user waiting time includes waiting time associated with at least one of the computer entering sleep mode, the computer waking from sleep mode, a virus scan, and a disk scan.

Anderson clearly does not disclose displaying a selected commercial message on the display device during at least one of the listed events. In fact, Anderson specifically teaches that "the payload executes after POST but prior to operation of the OS, and may display graphics, advertisements, animation, ..." Anderson, 4:45-53. Further, in column 9, Anderson teaches that the graphical content of the initial payload is displayed on the user's display screen during POST, or if the user so desires, during subsequent boot processes. Anderson, 9:8-18. Thus, according to Anderson, displaying of the payload occurs during a boot-up process. As the displaying of the payload occurs during the boot-up process and prior to loading or execution of the operating system, Anderson clearly does not teach displaying a selected commercial message during any one of the listed events of claim 1. In fact, the Office Action conceded that Anderson does not disclose that the user waiting time is a wake-up time from a low power mode. 8/16/2004 Office Action at 8. The Office Action also conceded that Anderson fails to disclose that the waiting time comprises a virus-scan time. *Id.* At 7.

The Office Action cited Havinga as teaching a computer waking up from a low power mode. Specifically, the Office Action cited page 7, lines 12-13, of Havinga. The cited passage refers to a wake-up event from sleep mode. However, the mere teaching of the wake-up event from a sleep mode does not provide any suggestion of displaying a selected commercial message during such a wake-up event. Anderson specifically teaches that the displaying of a payload including advertisement information occurs during a boot-up process prior to the loading of an operating system. There clearly does not exist any suggestion of any desirability to incorporate the teachings of the wake-up event as taught by Havinga into the payload displaying mechanism taught by Anderson. Therefore, no motivation or suggestion existed to combine Anderson and Havinga in the manner proposed by the Office Action. A *prima facie* case of obviousness thus cannot be established against claim 1 over Anderson and Havinga.

The Office Action also cited Cozza as teaching a virus-scan time. 8/16/2004 Office Action at 7. The Office Action specifically cited column 2, lines 26-29, of Cozza, which teaches that various factors result in an increase in the amount of time needed to detect viruses. This teaching of Cozza does not provide any suggestion regarding the displaying of a selected commercial message during a virus scan. Anderson itself teaches the display of a payload during a boot-up process – neither Anderson nor Cozza suggest any desirability to incorporate the virus scan teaching of Cozza into the payload displaying mechanism of Anderson. Therefore, a *prima facie* case of obviousness cannot be established with respect to claim 1 over Anderson and Cozza.

In view of the foregoing, it is respectfully submitted that claim 1 is allowable over the cited references. Independent claim 11 is similarly allowable.

Claims 5-8 and 22-26 have been cancelled, without prejudice, to render the rejections of those claims moot.

New independent claim 32 is allowable over Anderson or Petrecca. Claim 32 recites a system that has a BIOS routine is executable to display a first commercial message on a display device during a boot-up period, and an application is executable after loading and execution of the operating system to display a second commercial message during a wait period. Anderson discloses an initial payload launched from ROM BIOS to be displayed on screen after POST but prior to booting, loading, and/or execution of the operating system. Anderson, 4:34-38. Thus,

clearly, Anderson fails to disclose the application that is executable *after* loading and execution of the operating system to display a second commercial message during a wait period.

Petrecca teaches an advertising system that enables sponsors to present advertisements during execution of software, such as software from Prodigy or Quicken. Thus, Petrecca clearly does not disclose a BIOS routine executable to display a first commercial message during a boot-up period.

Dependent claims, including newly added dependent claims 27-31, 33, and 34, are allowable for at least the same reasons as corresponding independent claims. Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304366-1).

Respectfully submitted,

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